



COMMONWEALTH of VIRGINIA

DEPARTMENT OF ENVIRONMENTAL QUALITY

TIDEWATER REGIONAL OFFICE

5636 Southern Boulevard, Virginia Beach, Virginia 23462

(757) 518-2000 Fax (757) 518-2009

www.deq.virginia.gov

Doug Domenech
Secretary of Natural Resources

David K. Paylor
Director

Francis L. Daniel
Regional Director

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

December 6, 2010

Mr. William Ricken
Complex Manager
Tyson Farms, Incorporated
P. O. Box 8
Temperanceville, VA 23442

RE: Reissuance of VPDES Permit No. VA0004049
Tyson Farms, Incorporated
Temperanceville, VA 23442

Dear Mr. Ricken:

The enclosed effluent limitations and monitoring requirements for the above referenced permit have been approved. Additionally, enclosed is a copy of the fact sheet page that describes public participation in the permitting process. Please replace the page in fact sheet that you received with the draft permit with this page.

Your permit is also enclosed. In accordance with the permit, you are required to submit monitoring reports to the following address:

Department of Environmental Quality (DEQ)
Tidewater Regional Office
5636 Southern Boulevard
Virginia Beach, VA 23462

The reporting form is included with the permit. The first report (DMR) is due for the month of January 2011 by February 10, 2011.

Thank you for participating in the Agency's e-DMR program. If you have any questions concerning the e-DMR program, our regional e-DMR administrator Debbie Kay, phone 757-518-2127, Deborah.kay@deq.virginia.gov can assist you, or the following website provides details about the program: <http://www.deq.virginia.gov/water/edmrfaq.html>


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Temperanceville, VA
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As provided by Rule 2A:2 of the Supreme Court of Virginia, you have thirty days from the date of service (the date you actually received this decision or the date it was mailed to you, whichever occurred first) within which to appeal this decision by filing a notice of appeal in accordance with the Rules of the Supreme Court of Virginia with the Director, Department of Environmental Quality. In the event that this decision is served on you by mail, three days are added to that period.

Alternatively, any owner under Section 62.1-44.16, 62.1-44.17, and 62.1-44.19 of the State Water Control Law aggrieved by any action of the State Water Control Board taken without a formal hearing, or by inaction of the Board, may demand in writing a formal hearing of such owner's grievance, provided a petition requesting such hearing is filed with the Board. Said petition must meet the requirements set forth in Section 1.23(b) of the Board's Procedural Rule No. 1. In cases involving actions of the Board, such petition must be filed within thirty days after notice of such action is mailed to such owner by certified mail.

If you have any additional questions, please do not hesitate to contact Ms. Debra L. Thompson at (757) 518-2162 or by email at debra.thompson@deq.virginia.gov

Sincerely,



James R. McConathy
Water Permits Manager

JRM/DLT

Cc: DEQ-OWPP, TRO File
EPA-Region III (3WP12)

Encl: Permit No. VA0004049
Revised Fact Sheet Page

ADJACENT STATE COMMENTS RECEIVED ON DRAFT PERMIT: Document any comments received from an adjacent state and noted how resolved. **Not Applicable.**

OTHER AGENCY COMMENTS RECEIVED ON DRAFT PERMIT: Document any comments received from any other agencies (e.g., VIMS, VMRC, DGIF, etc.) and noted how resolved. **Not Applicable.**

OTHER COMMENTS RECEIVED FROM RIPARIAN OWNERS/CITIZENS ON DRAFT PERMIT: Document any comments received from other sources and note how resolved.

The application and draft permit have received public notice in accordance with the VPDES Permit Regulation, and no comments were received.

PUBLIC NOTICE INFORMATION: Comment Period: Start Date: **November 3, 2010**
End Date: **December 3, 2010**

Persons may comment in writing or by e-mail to the DEQ on the proposed issuance/reissuance/modification of the permit within 30 days from the date of the first notice. Address all comments to the contact person listed below. Written or e-mail comments shall include the name, address, and telephone number of the writer, and shall contain a complete, concise statement of the factual basis for comments. Only those comments received within this period will be considered. The Director of the DEQ may decide to hold a public hearing if public response is significant. Requests for public hearings shall state the reason why a hearing is requested, the nature of the issues proposed to be raised in the public hearing and a brief explanation of how the requestor's interests would be directly and adversely affected by the proposed permit action. All pertinent information is on file and may be inspected, and arrangements made for copying by contacting **Debra L. Thompson** at: Department of Environmental Quality (DEQ), Tidewater Regional Office, 5636 Southern Boulevard, Virginia Beach, VA 23462. Telephone: 757-518-2162 E-mail: debra.thompson@deq.virginia.gov
Following the comment period, the Board will make a determination regarding the proposed issuance/reissuance/modification. This determination will become effective, unless the Director grants a public hearing. Due notice of any public hearing will be given.

30. **ADDITIONAL FACT SHEET COMMENTS/PERTINENT INFORMATION:**

The wastewater treatment plant system is currently undergoing an upgrade to provide higher efficiency total nitrogen (TN) and total phosphorus (TP) in the activated sludge treatment system. To achieve final effluent TN and TP concentrations, the existing two stage Modified Ludzack-Ettinger MLE) activated sludge treatment system will be upgraded to a four stage Bardenpho BNR process followed by tertiary filtration. This upgrade is necessary to comply with the Chesapeake Bay Program TN and TP nutrient allocation.

By letter dated June 9, 2010, Tyson Foods requested deletion of Outfall 002 from the permit. In the previous five years only one low volume discharge occurred from this outfall under difficult operational conditions (detailed in letter dated May 10, 2010). To eliminate this possible issue in the future, Tyson has been working with John Reed and Associates, the wastewater engineering contractor, to redesign the storm water flow at the Temperanceville, VA complex. In this project, the detention basin will be redesigned to capture even more rainfall, divert any process flows to the wastewater treatment facility and add a device to slow the flow to the detention basin in periods of extreme rainfall. This device will allow storm water to be collected in existing ditches on the southern side of the facility and eliminate the possibility of overloading the capacity of the detention basin. With these practices and additional equipment, the facility is confident that Outfall 002 will be unnecessary in future permits.

Two storm water outfalls not associated with industrial activity have been added to this permit, they will be designated as outfalls 003 and 004.